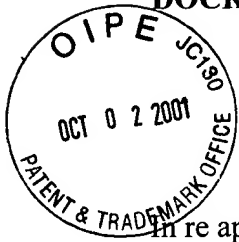


DOCKET NO.: CHIR-0158 (0316.005)

1638
#24
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Covacci et al.**

Serial No.: **09/360,934**

Group Art Unit: **1638**

Filed: **July 26, 1999**

Examiner: **P. Bui**

For: **HELICOBACTER PYLORI CYTOTOXIN PROTEINS
USEFUL FOR VACCINES AND DIAGNOSTICS**

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I, **Robin S. Quartin**, Registration No. **45,028** certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

September 27, 2001

Robin S. Quartin Reg. No. 45,028

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

COMMUNICATION

This communication is being filed to summarize the substance of the telephone interview of August 28, 2001, between the undersigned and Examiner Bui. During the interview, Examiner Bui asked whether Applicants would prefer to 1) take allowed claim 40; 2) file a Request for Continued Examination (RCE), or 3) have the Examiner withdraw the finality of the previous action and issue a new office action. Applicants chose the latter.

The telephone interview of August 28, 2001 was a follow-up to a telephone interview between the undersigned and Examiner Bui of August 17, 2001, during which Examiner Bui informed Applicants that she had changed her mind regarding the previously stated allowability of several of the claims (claim 38 - 40, and 42; see Advisory Action dated April 10, 2001), citing the new Written Description Guidelines. Since the new Written Description Guidelines were in place

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well before the April 10, 2001 Advisory Action, Applicants are puzzled by the Examiner's delayed application of those Guidelines. The Examiner did not raise any other rejections at that time. Nonetheless, Applicants submit that the previously allowed claims comply with the new Written Description Guidelines.

Respectfully submitted,



Date:

September 27, 2001

Robin S. Quartin
Registration No. 45,028

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